

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

NORTHERN DISTRICT OF TEXAS

FILED

NOV 21 2007

CLERK, U.S. DISTRICT COURT

By

Deputy

CIVIL ACTION NO.

3-07 CV 1956-B
JURY DEMANDED

NATURE HOMES, INC.

v.

CENTURY SURETY COMPANY

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MOTION FOR LEAVE TO PROCEED WITHOUT LOCAL COUNSEL

Defendant, Century Surety Company ("Century"), files its Motion for Leave to Proceed Without Local Counsel under Northern District of Texas Local Rule 83.10, and would respectfully show:

1. Century requests that this Court grant leave to proceed without local counsel, as allowed under Local Rule 83.10. Given due consideration of the nature of this action, Century believes that local counsel is not necessary for the prosecution of this claim.
2. This is a suit for breach of an insurance contract, breach of the duty of good faith and fair dealing, violations of Texas Insurance Code Chapter 541 and associated violations of the Texas Business and Commerce Co, and violation of the prompt payment provisions of Texas Insurance Code Chapter 542. Plaintiff alleges that Century, Plaintiff's liability insurer, owes a duty to defend and indemnify it against an underlying suit which has been settled at this time. Century is defending on the ground that the insurance policy in question does not afford coverage for the underlying suit.
3. Northern District of Texas Local Rule 83.10 states in pertinent part that "local counsel is required in all cases where an attorney appearing in a case does not reside or maintain an office in this district. 'Local counsel' means a member of the bar of this court who resides or maintains an office within 50 miles of the division in which the case is pending. Attorneys desiring to proceed without local counsel must obtain leave from the presiding judge."

4. Although Century's counsel practice in Houston, Texas, for the firm McFall, Breitbeil & Shults, P.C., Century's counsel can readily travel between the metropolitan areas as needed. Lead counsel for Century has tried two jury trials in the Fort Worth division previously before the Honorable David O. Belew, Jr., without the requirement of local counsel, as well as appearing in the Amarillo and Dallas divisions, and has argued several times before the Fort Worth Court of Appeals. Lead counsel for Century is admitted to practice in the United States District Court – Northern District of Texas, and has actively practiced in the Northern District in other cases.

5. For the reasons stated above, Century avers that no party to this suit will be burdened if Century proceeds without local counsel, and furthermore, will serve in the best interests of Century. Therefore, Defendant Century Surety Company requests that this Court grant its motion to proceed without local counsel.

Respectfully submitted,



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ATTORNEYS FOR DEFENDANT
CENTURY SURETY COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2007, I served a true and correct copy of the attached document on the following counsel of record by the method specified.

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☒ Certified mail, return receipt requested
☐ Facsimile
☐ Hand delivery
☐ Electronic delivery



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